

# **Exhibit A**

**LEE A. CICCARELLI, P.C.**

Lee A. Ciccarelli, Esquire  
 Attorney ID No.: 56115  
 Emily Grace Pittenger, Esquire  
 Attorney ID No.: 328286  
 304 North High Street  
 West Chester, PA 19380  
 (610) 692-8700

Email: [lee@ciccarelli.com](mailto:lee@ciccarelli.com)

Email: [e.pittenger@ciccarelli.com](mailto:e.pittenger@ciccarelli.com)

MATTHEW BROWN and  
 MIRIAM BROWN, h/w  
 Plaintiffs

vs.

MARK KIMSEY  
 Defendants

ASSESSMENT OF DAMAGES HEARING  
 REQUIRED

ATTORNEYS FOR PLAINTIFF

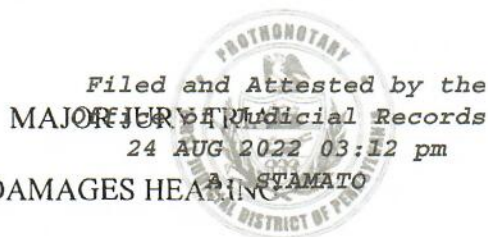
: COURT OF COMMON PLEAS  
 :  
 : PHILADELPHIA COUNTY, PA  
 : CIVIL ACTION  
 :  
 : MAY TERM, 2022  
 :  
 : NO. 220502606  
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**NOTICE**

**You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must** take action within twenty (20) days after this complaint and notice are served, by entering a written appearance personally or by attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the court without further notice for any money claimed in the complaint or for any other claim or relief requested by the plaintiff. You may lose money or property or other rights important to you.

You should take this paper to your lawyer at once. If you do not have a lawyer or cannot afford one, go to or telephone the office set forth below to find out where you can get legal help.

Philadelphia Bar Association  
 1101 Market St. 11<sup>th</sup> Floor  
 Philadelphia, PA 19107



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 Emily Grace Pittenger, Esquire  
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MATTHEW BROWN and  
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**MAJOR JURY TRIAL**

**ASSESSMENT OF DAMAGES HEARING  
 REQUIRED**

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: COURT OF COMMON PLEAS  
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**COMPLAINT**

Plaintiffs, Matthew Brown and Miriam Brown, husband and wife, by and through their attorneys, Lee A. Ciccarelli, P.C., hereby demands judgment against Defendant, Mark Kimsey, in an amount in excess of Fifty Thousand (\$50,000.00) Dollars, plus interest, costs, and delay damages based upon the following:

1. Plaintiffs, Matthew Brown and Miriam Brown, husband and wife, are adult individuals residing at 6250 Ridge Avenue, Apt. B, Philadelphia, Pennsylvania, 19128.
2. Defendant, Mark Kimsey, is an adult individual who on information and belief resides as 255 Lewis Taylor Road, Sharon, Tennessee, 38255-3233.
3. At all relevant times hereto, Plaintiff, Matthew Brown, was the permissive operator of a certain 2000 Ford F-150XLT owned by Daniel Collins, an adult individual who on information and belief resides at 2721 Berkshire Street, Philadelphia, Pennsylvania 19137.
4. At all times relevant hereto, Defendant Mark Kimsey was the owner and operator of a 2002 Ford F-250 Supercab.



5. On or about June 12, 2020, at approximately 3:22 p.m, Plaintiff Matthew Brown was the operating the above averred motor owned by Daniel Collins vehicle travelling southbound on 3400 Henry Avenue in Philadelphia, Pennsylvania.

6. On the same date, time, and place, Plaintiff Matthew Brown was proceeding in a line of traffic and was the fourth motor vehicle of seven vehicles in line and behind three other motor vehicles ahead also travelling southbound.

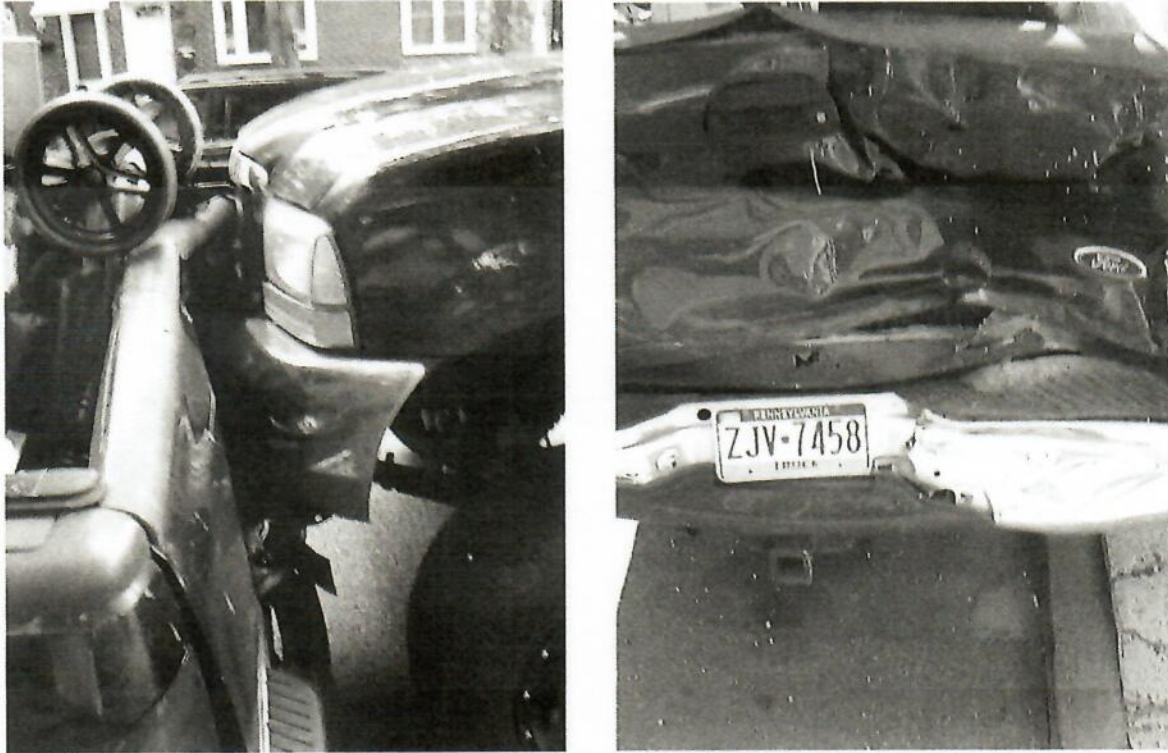
7. On the same date, time and place, Defendant was proceeding directly behind the vehicle then and there operated by Plaintiff Matthew Brown as the fifth vehicle on the line of traffic.

8. On the same date, time, and place, a 2009 Ford SUV owned and operated by Deetra Wilson, who on information and belief resides at 259 Bannockburn Avenue, Ambler, Pennsylvania, 19002, the first and lead vehicle of the seven vehicles in the above averred line of traffic ahead of Daniel Collins' vehicle operated by Plaintiff Matthew Brown and the Defendant's vehicle that were several cars behind hers attempted a left turn into a side lot.

9. As the vehicles behind Deetra Wilson's vehicle slowed and/or stopped while Deetra Wilson attempted her left turn into a side lot, including the Plaintiff, Matthew Brown, the 2002 Ford F-240 Supercab owned and operated by Defendant Mark Kimsey that was directly behind Daniel Collins' vehicle operated by Matthew Brown, negligently and/or carelessly failed to observe traffic conditions and the point and position of the vehicle operated by Plaintiff Matthew Brown ahead that was in clear and plain view, and forcibly crashed his vehicle into the rear of Plaintiff Matthew Brown's vehicle with such violent force that it caused the vehicle operated by Plaintiff Matthew Brown to be thrust forward and forcibly crash into the rear of the vehicle directly ahead, a 2016 Lexus operated by Tyler De Sanctis and owned by Teresa De Sanctis, who on information and belief resides at 84 Country Lane, Hamilton, New Jersey, 08650, resulting in damage to the rear and front of the vehicle operated by Plaintiff Matthew Brown and further, in serious and permanent injuries, damages and losses, serious impairment of a bodily function, aggravation of pre-existing conditions

and/or other injuries, damages and losses, to Plaintiff Matthew Brown, a claim for all of which is herein made as below averred.

10. Several post-accident photographs depicting the rearend impact of the Defendant's vehicle into the rear of the Collins vehicle operated by Plaintiff, Matthew Brown, and extensive rearend crush damages to the Collins vehicle are shown hereinbelow:



11. The negligence and and/or carelessness of the Defendant, Mark Kimsey was the sole factual cause of the above averred accident and Plaintiff, Matthew Brown's resulting injuries damages and losses.

12. Plaintiff, Matthew Brown, had no opportunity to avoid the collision and was in no way responsible for the happening of the above averred motor vehicle accident.



**COUNT I - NEGLIGENCE**  
**PLAINTIFF, MATTHEW BROWN, VS. DEFENDANT, MARK KIMSEY**

13. Plaintiff incorporates herein, by reference thereto, ¶¶1 - 12, inclusive, as though the same were set forth herein at length.

14. The negligence and/or carelessness of Defendant Mark Kimsey, consisted of the following:

- (a) Failing to properly operate a motor vehicle with due regard to traffic on a street, road or highway;
- (b) Failing to properly take into consideration the motor vehicles around and/or in front of him;
- (c) Failing to operate a motor vehicle in accordance with existing traffic conditions and traffic controls;
- (d) Failing to operate a motor vehicle under proper and adequate control;
- (e) Failing to timely apply the brakes;
- (f) Operating a motor vehicle at a speed that was excessive under the conditions and circumstances there existing;
- (g) Failing to keep a proper lookout for other motor vehicles lawfully on the road, including the vehicle operated by Plaintiff, Matthew Brown, that was directly ahead;
- (h) Failing to exercise due care for the safety of Plaintiff, Matthew Brown;
- (i) Failing to operate a vehicle to be able to bring it to a complete stop within the assured clear distance ahead;
- (j) Operating a vehicle at a speed greater than was reasonable and prudent under the conditions then and there existing, in violation of Section 3361 of the Motor Vehicle Code, 75 Pa.C.S. §3361;
- (k) Failing to respect the point and position of Plaintiff Matthew Brown's vehicle on the roadway;
- (l) violation of 75 PA CS §3310A, following too closely;
- (m) violation of 75 PA CS §3714, careless driving;

15. As a direct and proximate result of the negligent and careless conduct of Defendant Mark Kimsey as averred in Count I, Plaintiff Matthew Brown suffered injuries, damages and/or losses as follows, without limitation:

- (a) serious and permanent physical injuries in the collision, aggravation of pre-existing conditions and serious impairment of bodily function, said injuries including but not limited to: left shoulder rotator cuff tendinosis and partial thickness supraspinatus tearing, left shoulder acromioclavicular joint hypertrophy with post-traumatic aggravation and exacerbation, left shoulder adhesive capsulitis, left shoulder pain, left shoulder region pain, left shoulder labral tearing, bilateral shoulder pain, bilateral shoulder sprain, bilateral shoulder impingement syndrome and subacromial bursitis, right shoulder pain, cervical spine posterior disc bulging at C2-C3, C3-C4, C4-C5, C5-C6, C6-C7, cervical spine C5-C6 central disc protrusion, cervical disc C6-C7 eccentric left disc protrusion, cervical spine cervical strain sprain with exacerbation of multilevel cervical discogenic degenerative disease/stenosis, cervical spine multilevel foraminal narrowing, cervical spine facet hypertrophy, cervical radiculitis, cervical radiculopathy, cervical spinal stenosis, cervical spondylosis without myelopathy, aggravation of cervical spondylosis, cervicgia, multiple traumatic disc herniations, herniated disc syndrome, neck pain, upper back pain, concussion syndrome, post-traumatic headaches, post-traumatic migraines, cephalgia, occipital neuralgia, occipital nerve neuralgia, intractable episodic headache, lumbar facet syndrome, lumbar radiculopathy, SI dysfunction, osteoarthritis with posttraumatic aggravation and exacerbation, bilateral wrist and elbow sprain, bilateral wrist and elbow strain injuries, as well as other ills and injuries;

- (b) Past Medical Expenses;
- (c) Future Medical Expenses;
- (d) Past Lost Earnings and Lost Earnings Capacity;
- (e) Future Loss of Earnings and Lost Earnings Capacity;
- (f) Past Pain and Suffering;
- (g) Future Pain and Suffering;
- (h) Past Embarrassment and Humiliation;
- (i) Future Embarrassment and Humiliation;
- (j) Past Loss of Enjoyment of Life;
- (k) Future Loss of Enjoyment of Life;
- (l) Emotional Distress;
- (m) Property Damage;
- (n) Incidental Costs;
- (o) Disability in performing activities of daily living;

16. As a further result of the negligent conduct of Defendant Mark Kimsey as averred in Count I, Plaintiff Matthew Brown's above averred injuries have and will in the future continue to cause great pain and suffering, mental anguish and a permanent weakening and/or loss of strength and limitation of movement in those body systems and parts of the body so that they are now exposed to an increased risk of reinjury than had these injuries not occurred.

17. As a further result of the negligent conduct of Defendant Mark Kimsey as averred in Count I, medicine and procedures have in the past and/or may in the future be necessary to restore and/or rehabilitate the integrity and resilience/resistance to injury of the foregoing body systems that have been compromised or in the alternative these systems and other component body subsystems are/or may be more susceptible to injury and will have an earlier onset of degeneration and other problems than they would have had Plaintiff Matthew Brown not been injured, for which Plaintiff



hereby makes claim.

18. As a direct and proximate result of the negligent conduct of Defendant Mark Kimsey, and not due to any act or failure to act on the part of Plaintiff Matthew Brown, said Plaintiff Matthew Brown has suffered and/or may in the future suffer a loss of earnings and/or earning capacity, for which Plaintiff hereby makes claim.

19. As a direct and proximate result of the negligent conduct of Defendant Mark Kimsey and not due to any act or failure to act on the part of Plaintiff Matthew Brown, said Plaintiff Matthew Brown has been in the past and may continue to be in the future required to undergo medical and medically-related treatments and procedures, for which Plaintiff hereby makes a claim.

20. As a direct and proximate result of the negligent conduct of Defendant Mark Kimsey, and not due to any act or failure to act on the part of Plaintiff Matthew Brown, said Plaintiff Matthew Brown has suffered and/or may in the future suffer significant economic losses, including but not limited to: significant out-of-pocket expenses for medical treatment and lost wages, for which Plaintiff hereby makes a claim.

21. As a direct and proximate result of the negligent conduct of Defendant Mark Kimsey, and not due to any act or failure to act on the part of Plaintiff Matthew Brown, said Plaintiff Matthew Brown has been in the past and/or may be in the future required to spend great sums of money for medical and medically related treatment and procedures as a result of his injuries, including as to any allowable medical subrogation liens, for which Plaintiff hereby makes a claim.

22. As a direct and proximate result of the negligent conduct of Defendant Mark Kimsey and not due to any act or failure to act on the part of Plaintiff Matthew Brown, said Plaintiff Mark Kimsey has been in the past and/or may be in the future sustain scars and/or disfigurement, a claim for which is herein made.

**COUNT II -LOSS OF CONSORTIUM**  
**PLAINTIFF, MIRIAM BROWN, VS. DEFENDANT, MARK KIMSEY**

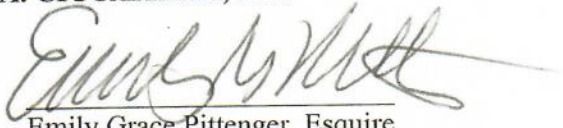
23. Plaintiffs incorporate the averments of ¶¶1-22 as if fully set forth herein.

24. As a result of the negligence and/or carelessness of Defendant Mark Kimsey as averred herein, Wife-Plaintiff, Miriam Brown, has lost the aid, comfort, care, society, companionship, consortium, services and intimacy of Husband-Plaintiff, Matthew Brown, a claim for which is herein made.

**WHEREFORE**, Plaintiffs, Matthew Brown and Miriam Brown, husband and wife, demand judgment against Defendant, Mark Kimsey, in an amount in excess of Fifty Thousand Dollars (\$50,000.00), plus interest, costs, and delay damages.

**LEE A. CICCARELLI, P.C.**

BY:

  
Emily Grace Pittenger, Esquire  
*Attorney for Plaintiffs*

Date:

8/24/22

**VERIFICATION**

I, Miriam Brown, Co-Plaintiff in the within action verify that the averments set forth in the within Complaint are true and correct to the best of my knowledge and recollection, and further, that I am making this verification subject to the penalties for unsworn falsification to authorities pursuant to 18 PA CSA §4904.

DATE:

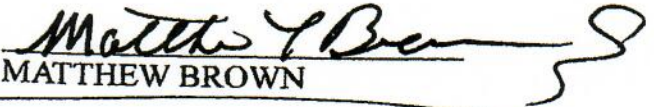
8/20/2022

  
MIRIAM BROWN



**VERIFICATION**

I, Matthew Brown, Co-Plaintiff in the within action verify that the averments set forth in the within Complaint are true and correct to the best of my knowledge and recollection, and further, that I am making this verification subject to the penalties for unsworn falsification to authorities pursuant to 18 PA CSA §4904.

  
MATTHEW BROWN

DATE: 8-22-22

**LEE A. CICCARELLI, P.C.**

Lee A. Ciccarelli, Esquire  
Attorney ID No.: 56115  
Emily Grace Pittenger, Esquire  
Attorney ID No.: 328286  
304 North High Street  
West Chester, PA 19380  
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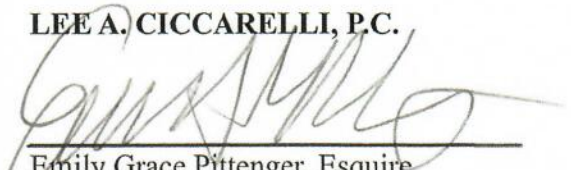
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**CERTIFICATE OF SERVICE**

I, Emily Grace Pittenger, Esquire, Attorney for Plaintiff in the above-captioned matter, hereby certify that a true and correct copy of Plaintiff's Complaint was served via the Philadelphia County electronic filing system to the addresses set forth below:

Robert S. Stickley, Esquire  
Stickley Law, LLC  
90 S. Newtown Street, Rd. Suite 11  
Newtown Square, PA 19073  
[rstickley@stickley.law](mailto:rstickley@stickley.law)

**LEE A. CICCARELLI, P.C.**

  
Emily Grace Pittenger, Esquire  
Attorney for Plaintiffs

Date: 8/24/22